

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA,

v.

Crim. No. 2:16-cr-84

MATTHEW ABEL,  
Defendant.

**UNITED STATES' OPPOSITION TO**  
**MOTION TO RECONSIDER DENIAL OF MOTION**  
**TO SEVER DEFENDANTS FOR TRIAL**

The United States of America, by and through its attorney, Eugenia A.P. Cowles, Acting United States Attorney for the District of Vermont, hereby opposes defendant Abel's Motion to Reconsider the Denial of his Motion to Sever Defendants for Trial.

Abel argues reconsideration is warranted because he recently lost his job. He claims this is a "change in circumstances" that justifies re-visiting the Court's April 20, 2017 decision (doc. 112), which carefully weighed the burdens of multiple trials against Abel's desire to be tried alone.

He avers (without offering any evidence) that he was fired on account the existence of this prosecution. He further claims (again without any evidence) that his firing prejudices his ability to "support his family." The motion indicates that by "family," Abel means his girlfriend/co-defendant "Gu [and] her three children"

by a previous relationship. The motion offers no information (not to mention evidence) relating to the lifestyle enjoyed by Gu and her children, nor the extent to which Abel contributes to that lifestyle.

The motion concedes that before reconsideration is appropriate, there must be “new evidence” or a showing of “manifest injustice.” However, the motion provides no new evidence nor suggestion of injustice. Rather it contains the above-described, unsupported, assertions. The motion also lacks any explanation why Abel’s concern for the welfare of the children of another (not to mention his charitable inclinations generally) should prompt this Court to alter its trial calendar.<sup>1</sup>

Finally, even if the Court were to credit<sup>2</sup> Abel’s unsubstantiated factual assertion that Abel lost his job on account of the Grand Jury’s finding of probable cause, the relief he seeks (severing his trial from Gu’s) would have no effect on

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<sup>1</sup> He does not explain what support, if any, the father of these children may provide, or why he has any obligation to support them, or why his concern for the welfare of the children of a friend should require this Court to reconsider its previous ruling.

<sup>2</sup> Such an assertion – if the Court were inclined to reconsider its previous ruling – should be tested by cross-examination. So too with regard to exploring the nature and extent of Abel’s support of Gu and her children.

that determination. The existence of Indictment will be unaffected by the timing of his trial.

The remainder of the motion re-hashes arguments the Court previously rejected.

At bottom, Abel offers no basis for revisiting the Court's previous decision since he offers no new evidence. And the unsupported assertions he offers in lieu of evidence are not logically connected to the relief he seeks.

The Motion to Reconsider should be denied.

Dated at Burlington, in the District of Vermont, July 17, 2017.

Respectfully submitted,

UNITED STATES OF AMERICA

EUGENIA A.P. COWLES  
Acting United States Attorney

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**Certificate of Service**

By filing the above document via the Court's electronic filing system, a copy will be served on Craig Nolan, Counsel for Defendant.

Dated at Burlington, in the District of Vermont, July 17, 2017.

Respectfully submitted,

UNITED STATES OF AMERICA

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